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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,653	07/15/2003	Hironori Kondo	Q76188	5270

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EXAMINER	
VORTMAN, ANATOLY	

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/618,653	KONDO ET AL.	
	Examiner	Art Unit	
	Anatoly Vortman	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) *2-5* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 6-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. The submission of the amendment filed on 02/10/05 is acknowledged. At this point claim 6 has been amended and new claim 11 has been added. Claims 2-5 have been previously withdrawn from consideration as drawn to non-elected invention. Thus, claims 1-11 are pending in the instant application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by US/4,689,597 to Galloway et al., (Galloway).

Regarding claims 1, 6, 9, and 11, Galloway disclosed (Fig. 4D) a fuse belt comprising: a plurality of fuse elements, a pair of flat terminal pieces (14A, 14B) interconnected by a fusible

part (30), each of which includes an insulating housing (12) in which said fusible part (30) and inner and upper edges of said terminal pieces (14A, 14B) are accommodated; and a coupling part (70) that is integral to the fuses, to which said flat terminal pieces (14A, 14B) of said fuse elements are coupled so as to be aligned along said coupling part (70), wherein removal of said coupling part (70) results in said plurality of fuse elements being separated (at least electrically) from each other.

Regarding the process limitations of claims 7 and 8 (pressing), and of claim 10, even though the claims are limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, the process limitations of the aforementioned claims had not been given patentable weight.

4. Alternatively, claims 1 and 6-11, are rejected under 35 U.S.C. 102(b) as being anticipated by US/6,157,287 to Douglass et al., (Douglass).

Regarding claims 1, 6, 9, and 11, Douglass disclosed (Fig.3, 6): a plurality of fuse elements (10A, 10B), a pair of flat terminal pieces (38) interconnected by a fusible part (inherently), each of which includes an insulating housing in which at least said fusible part and inner and upper edges of said terminal pieces (38) are accommodated; and a coupling part (14) that is integral to the fuses to which said flat terminal pieces (38) of said fuse elements (10A,

10B) are coupled so as to be aligned along said coupling part (14), wherein removal of said coupling part (14) results in said plurality of fuse elements being separated from each other.

Regarding the process limitations of claims 7, 8, and 10, even though the claims are limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production.

If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, the process limitations of the aforementioned claims had not been given patentable weight.

5. Yet alternatively, claims 6-11, are rejected under 35 U.S.C. 102(e) as being **clearly** anticipated by US/6,556,121 to Endo et al., (Endo).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claims 6, 9, and 11, Endo disclosed (Fig. 2, 3A, 4) a fuse belt comprising: a plurality of fuse elements (fuses), a pair of flat terminal pieces (2) interconnected by a fusible part (5), each of which includes an insulating housing (4) in which said fusible part (5) and inner and upper edges of said terminal pieces (2) are accommodated; and a coupling part (51) that is

integral to the fuses, to which said flat terminal pieces (14A, 14B) of said fuse elements are coupled so as to be aligned along said coupling part (70), wherein removal of said coupling part (70) results in said plurality of fuse elements being separated from each other.

Regarding the process limitations of claims 7 and 8 (pressing), and of claim 10, even though the claims are limited by and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, the process limitations of the aforementioned claims had not been given patentable weight.

Response to Arguments

6. Applicant's arguments have been fully considered but they are not persuasive.

Regarding Galloway reference, contrary to the Applicant's position, fuse elements can be separated from one another, **at east electrically**, to be an individual fuse element.

Regarding the Douglass reference, contrary to the Applicant's position, the plurality of fuse elements (fuses) **are coupled** to the coupling part (14) **via** fuse holders (12) and **are integral** with said coupling part (14), since it has been held by courts that term "integral" "is sufficiently broad to embrace constructions united by such means as fastening and welding", *In re Hotte* (CCPA) 177 USPQ 326 (fastening is used to secure fuses to the coupling part in

Douglass), or "integral...is not necessarily restricted to one-piece article", *In re Kohno* (CCPA) 157 USPQ 275.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman
Primary Examiner
Art Unit 2835

AV